

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
AUSTIN DIVISION

2005 FE -2 AM 11:29

UNITED STATES

§
§
§
§
§

VS.

NO.A-04-CR-203(1)-SS

TERRENCE MITCHELL

WESTERN DISTRICT OF TEXAS
U.S. CLERK'S OFFICE
BY: *JK* DEPUTY

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Attorney, Charles Popper, in the above styled cause, and respectfully moves the Court for permission to withdraw as attorney of Record, and would show the Court as follows:

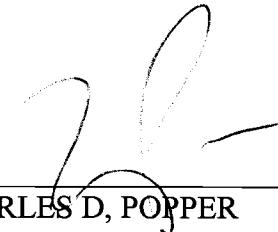
I.

Attorney fulfilled his contractual obligations to the client by finishing his case through to the end with a plea and sentencing. Attorney visited the defendant twice in the T. Don Hutto jail following the sentencing on January 14, 2005. On these visits on January 21 and January 24, 2005 defendant expressed a wish *not* to appeal and defendant executed a waiver of right to appeal (Exhibit #1). Defendant gave notice of appeal to the Court on Janaury 20, 2005, before the attorney visited him and received the waiver of appeal. Defendant has expressed his desire to attorney not to appeal and if he does want an appeal, he appears to not want the attorney to have any part of it.

WHEREFORE, PREMISES CONSIDERED, Attorney of Record, Charles D. Popper, respectfully prays that this Honorable Court grant this instant motion and permit him to withdraw.

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Respectfully Submitted



CHARLES D. POPPER

Bar No.

Law Offices of Charles D. Popper

713 W. 14TH Street

Austin, TX 78701

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was delivered via facsimile to AUSA Liz Cottingham on this 2nd day of February, 2004.



IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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U.S. CLERK'S OFFICE

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UNITED STATES OF AMERICA §
§
VS. § CRIMINAL NO.
§
TERRENCE MITCHELL § A-04—CR-203(1)SS
§

WAIVER OF APPEAL

Comes now, TERRENCE MITCHELL, Defendant in the above referenced case and would make the following waiver of his right to appeal on the 24th of January, 2005:

I, Terrence Mitchell know that I have a federal right to appeal my case. I am choosing not to appeal my case.

Respectfully submitted,

Terrence Mitchell
TERRENCE MITCHELL

1-24-05
Date

Defendant

CHARLES Popper
Attorney FOR Defendant
713 W. 14th
AUSTIN, TX 78701
512 477 7711

1-24-05
DATE

CERTIFICATE OF SERVICE

As attorney for the defendant, I Charles Popper do hereby certify that a true and correct copy of the above and foregoing document was delivered via facsimile to AUSA Liz Cottingham on this the 24th day of January, 2004.

Charles Popper
CHARLES POPPER